

ORDINANCE NO. 1284

AN INITIATIVE ORDINANCE TO REQUIRE AN AFFIRMATIVE VOTE OF THE VOTERS OF THE CITY OF SAN BRUNO PRIOR TO THE ISSUANCE OF ANY PERMITS OR OTHER APPROVALS FOR HIGH-RISE OR HIGH-DENSITY DEVELOPMENTS AND PROJECTS ENCROACHING UPON SCENIC CORRIDORS AND OPEN SPACES

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WHEREAS, on May 23, 1977 the City Clerk of the City of San Bruno presented a Certificate of Sufficiency to the City Council of said City entitled an "Initiative Measure to Require an Affirmative Vote of the Voters of the City of San Bruno Prior to the Issuance of Any Permits or Other Approvals for High-Rise or High-Density Developments and Projects Encroaching Upon Scenic Corridors and Open Spaces";

NOW, THEREFORE, pursuant to Sections 4010 and 4011 (Chapter 248) of the California Elections Code, the City Council of the City of San Bruno does ordain as follows:

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"Section 1. Unless and until approved by a majority of the voters of the City of San Bruno voting at a general or special election, no building permits, grading permits or other approvals shall be issued to allow or authorize the initiation or construction of buildings, other structures, land development projects or land uses described below:

(a) Buildings or other structures exceeding 50 feet in height.

(b) Buildings or other structures exceeding three stories in height.

(c) Buildings or other structures, modifications or redevelopment thereof in residential districts which increase the number of dwelling units per acre or occupancy, within each acre or portion thereof, in excess of limits permitted on October 10, 1974, under the then existing Zoning Chapter of the City of San Bruno.

(d) Multi-story parking structures or buildings.

(e) Buildings or other structures, modifications or redevelopment thereof which encroach upon, modify, widen or realign the following streets hereby designated as scenic corridors: Crystal Springs Road between Oak Avenue and Junipero Serra Freeway; and Sneath Lane from El Camino Real to existing westerly City limits.

Section 2. In voting upon this initiative ordinance and subsequent referrals thereunder, the People hereby find and declare that this ordinance and subsequent referrals are crucial legislative policy-making decisions by the voters of San Bruno necessary to adequately protect the health, safety and welfare of its citizens under present and future conditions.

To provide a knowledgeable basis for voter decisions and adequate opportunity to property owners who may be adversely affected to present their viewpoints to the Planning Commission, City Council and voters, it is essential that the City Council should provide for the following prior to election on this initiative ordinance and subsequent referrals thereunder:

(a) Compliance with Section 4017 of the Elections Code providing for proponent and opponent arguments in the Voters Pamphlet and Sections 65854, et seq., of the Government Code providing for public hearings before the Planning Commission and City Council.

(b) Town-hall type of hearing whereby experts, proponents and opponents may be heard and questioned by voters in attendance; and availability to voters for loan or review at City Hall of summaries of hearings and EIR proceedings before the Planning Commission and City Council and all other relevant materials.

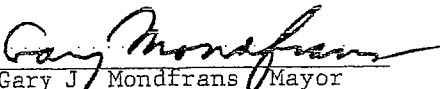
Section 3. Any owner-applicant may appeal denial of his application to the voters by accompanying such request with a sufficient deposit to cover entire expense of such election.

Section 4. In the event this initiative ordinance is enacted by the voters, the Notice of Intent to Circulate Petition shall become an introductory part of said ordinance and be included in the publication thereof in the Code of the City of San Bruno for the purpose of reflecting the intent of the voters in adopting same.

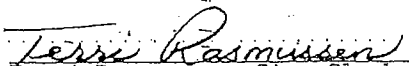
Section 5. If any section, subsection, sentence, clause, phrase or portion of this initiative ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The People hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any section, subsection, sentence, clause, phrase or portion be declared invalid or unconstitutional. If any portions hereof are ruled invalid as being conflicting or incompatible, the latter portions are to be invalidated in preference to former portions hereof.

Section 6. This initiative ordinance shall be published and take effect upon enactment by the voters. Insofar as permitted by law it shall be retroactive to October 10, 1974."

The City Clerk shall cause this Initiative Ordinance to be published in the San Bruno Herald, a newspaper of general circulation, printed, established and circulated in the City of San Bruno and hereby designated for the purpose.

  
Gary J. Mondfrans Mayor


ATTEST:

  
Terri Rasmussen, City Clerk

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I hereby certify that the foregoing Ordinance No. 1284 was duly and regularly introduced and adopted by the City Council of the City of San Bruno at an adjourned regular meeting thereof held on the 1st day of June, 1977, by the following vote:

AYES: Councilmen Governale, Kozkowski, Mondfrans  
NOES: Councilmen Barnard, Griffith  
ABSENT: Councilmen None

  
CITY CLERK